

Procedural Summary – Hot Cuts

Docket No. 29175 – Mass Market Hot Cut Process Project for State Implementation of the Federal Communications Commission’s Triennial Review

The Texas PUC established this proceeding pursuant to the *Triennial Review Order (TRO)* to either approve a mass market batch cut process and adopt TELRIC rates for the approved process, or to submit to the FCC findings showing that a batch cut process is unnecessary because existing batch cut processes do not impair competition.

At its January 15, 2004 open meeting, the Texas PUC authorized staff to establish this docket, and in Order No. 2, issued on January 21, 2004, the Texas PUC’s administrative law judge (ALJ) established January 28, 2004 as the deadline for interested parties to intervene. In Order No. 3, issued on January 21, 2004, the ALJ required intervenors to file a list of issues by January 30, 2004. The following parties intervened in this proceeding:

Allegiance Telecom, Inc.
AT&T Communications of Texas, LP
CLEC Coalition (consists of Birch Telecom of Texas, LTD, LLP (Birch), Ionex Telecommunications South (Ionex), McLeodUSA Telecommunications Services, Inc. (McLeod), and Z-Tel Communications, Inc. (Z-Tel))
Covad Communications Co.
MCI (consists of MCImetro Access Transmission Services, LLC, MCI WorldCom Communications, Inc. and Brooks Fiber Communications of Texas, Inc.)
Office of Public Utility Counsel (OPUC)
Sage Telecom of Texas, L.P.
Southwestern Bell Telephone Company, Inc. d/b/a SBC Texas
Texas PUC Staff

On April 6, 2004, Sage withdrew from the proceeding.

At its January 15, 2004 open meeting, the Texas PUC directed staff to conduct the proceeding. On January 20, 2004, a prehearing conference was held, and on February 13, 2004, the Texas PUC issued a Preliminary Order outlining the major issues to be addressed (see attached).

The Texas PUC held the Hearing on the Merits on April 8, 2004. The following parties filed testimony considered at the hearing:

AT&T
Birch
Covad
MCI
Texas PUC Staff
SBC Texas

Briefs were filed by the following parties on May 14, 2004:

AT&T
CLEC Coalition
Covad
Logix
MCI
Texas PUC Staff
SBC Texas

Reply briefs were filed by the following parties on May 25 and May 28, 2004:

AT&T
CLEC Coalition
Covad
MCI
OPUC
Texas PUC Staff
SBC Texas

On June 21, 2004, the Texas PUC indefinitely abated the proceeding in part due to the stay of the *TRO*, as well as the Commission's announcement that it would release interim UNE rules in response to the Court's action.

Procedural Summary – Mass Market Switching

Docket No. 28607 – *Impairment Analysis for Local Circuit Switching for the Mass Market*

The Texas PUC established this proceeding pursuant to the *Triennial Review Order (TRO)* to determine whether carriers competing for mass market customers are impaired without access to unbundled local circuit switching.

At its September 18, 2003, open meeting, the Texas PUC authorized staff to establish this docket, and in Order No. 1 issued on September 24, 2003, the Texas PUC's administrative law judge (ALJ) established October 9, 2003, as the deadline for interested parties to intervene and required intervenors to file a list of issues. The following parties intervened:

Allegiance Telecom, Inc.
AMA Communications LLC d/b/a AMA*TECHTEL COMMUNICATIONS
American Association of Retired Persons ("AARP")
American Telco, Inc.
AT&T Communications of Texas, L.P.
Bestline Communications, L.P.
Birch Telecom of Texas, LTD, LLP.
Brooks Fiber Communications of Texas, Inc.
Bullseye Telecom Inc.
Cable Plus Company, L.P.
Comcast Phone of Texas, LLC
CoServ LLC d/b/a AdvanTex Communications
Covad Communications Company
Department of Defense and all other Federal Agencies ("DOD/FEA")
FiberWave Telecom, Inc.
Grande Communications Network, Inc.
ICG Communications, LLC
Intermedia Communications, Inc.
Kingsgate Telephone, Inc. d/b/a ETS Telecom Partners I. L.P.
KMC Telecom III, LLC
Level 3 Communications, LLC
MCI Access Transmission Services LLC
MCI Worldcom Communications, Inc.
McLeodUSA Telecommunications Services, Inc.

Millenium Telcom, LLC d/b/a One Source Communications
Metro Access Transmission Services, Inc.
nii communications, LTD
NTS Communications, Inc.
Office of Public Utility Counsel
Pathway Com-Tel Inc.
Sage Telecom of Texas, L.P.
Southwestern Bell Telephone L.P. d/b/a SBC Texas
Sprint Communications, L.P.
State of Texas
TCG Dallas
Teleport Communications, Houston, Inc.
Teligent Services, Inc.
TelTech Communications, Inc.
Tex-Link Communications, Inc.
Time Warner Telecom of Texas, L.P.
Westel, Inc.
Western Communications, Inc. d/b/a Logix Communications
Winstar Communications, LLC. Winstar Wireless of Texas, Inc.
WorldCom Communications, Inc.
XO Texas, Inc.
Xspedius Communications, LLC
Z-Tel Communications, Inc.

At its November 5, 2003, open meeting, the Texas PUC directed staff to conduct the proceeding. On October 21, 2003 a prehearing conference was held, and on November 10, 2003, the Texas PUC issued a Preliminary Order outlining the major issues to be addressed, and on December 19, 2003, a Supplemental Preliminary Order was issued (see attached).

The Texas PUC held the Hearing on the Merits from April 5, 2004 – April 7, 2004. The following parties filed testimony considered at the hearing:

Allegiance Telecom, Inc.
American Association of Retired Persons (“AARP”)
AT&T Communications of Texas, L.P.
Birch Telecom of Texas, LTD, LLP.
Brooks Fiber Communications of Texas, Inc.
Bullseye Telecom Inc.
Department of Defense and all other Federal Agencies (“DOD/FEA”)
MCI Access Transmission Services, LLC.

MCI Worldcom Communications, Inc.
McLeoudUSA Telecommunications Services, Inc.
Metro Access Transmission Services, Inc
nii communications, LTD
Office of Public Counsel – State of Texas
Office of Public Utility Counsel – State of Texas
Sage Telecom of Texas, L.P.
Southwestern Bell Telephone L.P. d/b/a SBC Texas
Sprint Communications, L.P.
State of Texas
Teleport Communications Houston, Inc
Western Communications, Inc. d/b/a Logix Communications
Z-Tel Communications, Inc.

On April 6, 2004, Sage withdrew from the proceeding.

Briefs were filed by Department of Defense and all other Federal Agencies (“DOD/FEA”) on May 17, 2004, and on May 14, 2004, the following parties filed briefs:

American Association of Retired Persons (“AARP”)
AT&T Communications of Texas, L.P
Birch Telecom of Texas, LTD, LLP
Brooks Fiber Communications of Texas, Inc.
Bullseye Telecom Inc
MCI Access Transmission Services, LLC
nii communications, LTD
Office of Public Utility Counsel - Texas
Southwestern Bell Telephone Company L.P. d/b/a SBC Texas
Sprint Communications, L.P.
State of Texas
TCG Dallas
Teleport Communications Houston, Inc
Western Communications, Inc. d/b/a Logix Communications
Z-Tel

Reply briefs were filed by MCI and OPUC on May 27, 2004, and on May 28, 2004, the following parties filed reply briefs:

American Association of Retired Persons (“AARP”)
Birch Telecom of Texas, LTD, LLP
Brooks Fiber Communications of Texas, Inc.
Bullseye Telecom, Inc.
nii communications, Ltd
Southwestern Bell Telephone L.P. d/b/a SBC Texas
Sprint Communications, L.P.
State of Texas
TCG Dallas
Teleport Communications Houston, Inc.
Z-Tel Communications, Inc.

On June 21, 2004, the Texas PUC indefinitely abated the proceeding in part due to the stay of the *TRO*, as well as the Commission’s announcement that it would release interim UNE rules in response to the Court’s action.

Procedural Summary – Dedicated Transport

Docket No. 28744 – *Impairment Analysis for Dedicated Transport*

The Texas PUC established this proceeding pursuant to the *Triennial Review Order (TRO)* to determine whether competing carriers are not impaired without access to incumbent local exchange carriers' (ILECs) unbundled dedicated transport.

At its September 18, 2003, open meeting, the Texas PUC authorized staff to establish this docket, and in Order No. 1 issued on October 15, 2003, the Texas PUC's administrative law judge (ALJ) established October 20, 2003, as the deadline for interested parties to intervene and required intervenors to file a list of issues. The following parties intervened:

Allegiance Telecom, Inc.
AT&T (collectively, AT&T Communications of Texas, L.P.; TCG Dallas; Teleport Communications, Houston, Inc.)
CLEC Loop/Transport Coalition (collectively, Birch Telecom of Texas, LTD, LLP., Cbeyond Communications, LP, Focal Communications Corporation of Texas, Global Crossing Local Service, Inc., KMC Telecom III, LLC, XO Texas, Inc., Xspedius Communications, LLC)
Covad Communications Company
El Paso Networks, LLC.
MCI (collectively, MCI Access Transmission Services LLC; MCI Worldcom Communications, Inc.; Brooks Fiber Communications of Texas, Inc.)
McLeodUSA Telecommunications Services, Inc.
Office of Public Utility Counsel
Sage Telecom of Texas, L.P.
Southwestern Bell Telephone L.P. d/b/a SBC Texas
Sprint (collectively, United Telephone Company of Texas d/b/a Sprint, Central Telephone Company of Texas d/b/a Sprint, and Sprint Communications, L.P.)
State of Texas
Texas.Net, Inc.
TEXALTEL
Verizon Southwest
Western Communications, Inc. d/b/a Logix Communications

On October 30, 2003 a prehearing conference was held, and on November 10, 2003, the Texas PUC issued a Preliminary Order outlining the major issues to be

addressed, and on December 19, 2003, a Supplemental Preliminary Order was issued (see attached).

The Texas PUC held the Hearing on the Merits from March 23, 2004 – March 25, 2004. The following parties filed direct testimony considered at the hearing:

AT&T
CLEC Loop/Transport Coalition (collectively, Birch Telecom of Texas, Ltd, LLP; Cbeyond Communications, LP; Focal Communications Corporation of Texas; Global Crossing Local Service, Inc.; KMC Telecom III, LLC; McLeodUSA Telecommunications Services, Inc.; XO Texas, Inc.; Xspedius Communications, LLC)
Covad Communications Company
El Paso Networks, LLC
MCI
Southwestern Bell Telephone L.P. d/b/a SBC Texas

The following parties filed rebuttal testimony considered at the hearing:

Allegiance Telecom of Texas, Inc.
AT&T
CLEC Loop/Transport Coalition (collectively, Birch Telecom of Texas, Ltd, LLP; Cbeyond Communications, LP; Focal Communications Corporation of Texas; Global Crossing Local Service, Inc.; McLeodUSA Telecommunications Services, Inc.; XO Texas, Inc.; Xspedius Communications, LLC)
Covad Communications Company
El Paso Networks, LLC
MCI
Southwestern Bell Telephone L.P. d/b/a SBC Texas
Sprint

Briefs were filed by the following parties on May 7, 2004:

AT&T
CLEC Loop/Transport Coalition (collectively, Birch Telecom of Texas, Ltd, LLP; Cbeyond Communications, LP; Focal Communications Corporation of Texas; Global Crossing Local Service, Inc.; McLeodUSA Telecommunications Services, Inc.; XO Texas, Inc.; Xspedius Communications, LLC)
Covad Communications Company
El Paso Networks, LLC

MCI
Office of Public Utility Counsel
Southwestern Bell Telephone Company L.P. d/b/a SBC Texas
Sprint
State of Texas
Western Communications, dba Logix Communications

Reply briefs were filed by the following parties on May 21, 2004:

AT&T
CLEC Loop/Transport Coalition (collectively, Birch Telecom of Texas, Ltd, LLP; Cbeyond Communications, LP; Focal Communications Corporation of Texas; Global Crossing Local Service, Inc.; McLeodUSA Telecommunications Services, Inc.; XO Texas, Inc.; Xspedius Communications, LLC)
Covad Communications Company
El Paso Networks, LLC
MCI
Southwestern Bell Telephone L.P. d/b/a SBC Texas
Sprint
State of Texas

On June 21, 2004, the Texas PUC indefinitely abated the proceeding in part due to the stay of the *TRO*, as well as the Commission's announcement that it would release interim UNE rules in response to the Court's action.

Procedural Summary – Enterprise Loops

Docket No. 28745 – Impairment Analysis for Enterprise Market Loop Facilities

The Texas PUC established this proceeding pursuant to the *Triennial Review Order (TRO)* to determine whether carriers competing for Enterprise customers are impaired without access to unbundled high-capacity loops.

At its September 18, 2003, open meeting, the Texas PUC authorized staff to establish this docket, and in Order No. 1 issued on October 15, 2003, the Texas PUC's administrative law judge (ALJ) established October 20, 2003, as the deadline for interested parties to intervene and required intervenors to file a list of issues. The following parties intervened:

Allegiance Telecom, Inc.
AT&T Communications of Texas LP
Birch Telecom of Texas Ltd. LLP
Brooks Fiber Communications of Texas Inc.
CBeyond Communications LP
Central Telephone of Texas d/b/a Sprint
Covad Communications Company
El Paso Networks LLC
Focal Communications Corporation of Texas
Global Crossing Local Services Inc.
KMC Telecom III LLC
MCI metro Access Transmission, LLC
MCI WorldCom Communications
McLeodUSA Telecommunications Services Inc.
Office of Public Utility Counsel
Sage Telecom of Texas, LP
Southwestern Bell Telephone LP d/b/a SBC Texas
Sprint Communications Company LP
State of Texas
Texas.Net Inc.
United Telephone Company of Texas Inc. d/b/a Sprint
Verizon Southwest, Inc.
Western Communications, Inc. d/b/a/ Logix Communications
XO Texas Inc.
Xspedius Communications LLC

On November 10, 2003, the Texas PUC issued a Preliminary Order outlining the major issues to be addressed, and on December 22, 2003, a Supplemental Preliminary Order was issued (see attached).

At its November 5, 2003, Open Meeting, the PUC approved sending out informational requests to all certified telecommunications utilities (CTUs) in the state to assist it in its fact-finding role in the impairment analysis. On November 14, 2003, the PUC issued the bench request.

On April 6, 2004, Sage withdrew from the proceeding.

The Texas PUC held the Hearing on the Merits from April 21, 2004 – April 22, 2004. The following parties filed testimony considered at the hearing:

AT&T
Loop/Transport Coalition (includes CLEC Coalition, Covad Communications Company and El Paso Networks LLC,)
MCI (includes MCImetro Access Transmission Service LLC, MCI Worldcom Communications Inc. and Brooks Fiber Communications of Texas Inc.)
SBC Texas
Sprint

On May 19, 2004, briefs were filed by the following parties:

AT&T
Loop/Transport Coalition jointly with MCI
SBC Texas
Sprint Communications
State of Texas
Western Communications Inc d/b/a Logix Communications

Reply briefs were filed on May 28, 2004, by the following parties:

AT&T
Loop/Transport Coalition jointly with MCI
SBC Texas
Sprint Communications
State of Texas

On June 21, 2004, the Texas PUC indefinitely abated the proceeding in part due to the stay of the *TRO*, as well as the Commission's announcement that it would release interim UNE rules in response to the Court's action.